

FEB 05 2014

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Pro Se *Plaintiff*

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DISTRICT

CHRISTOPHER B. AND RENEE G.

JULIAN

Plaintiff(s),

vs.

James Rigney, Et Al,

Defendant(s).

Case Number: 4:13CV00054

CHRISTOPHER B. AND RENEE G.
JULIAN'S MEMORANDUM POINTS
AND AUTHORITIES REPLY TO
OPPOSITION BY DEFENDANTS FOR
PARTIAL SUMMARY JUDGEMENT.

MEMORANDUM OF LAW IN REPLY TO
DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION FOR PARTIAL SUMMARY
JUDGEMENT.

Reply to Rigney Et al opposition on partial summary judgement CASE NO.: 4:13CV00054

1 **I. PLAINTIFFS MOTION FOR SUMMARY JUDGEMENT SHOULD**
2 **NOT BE DENIED.**

3 A. Refer to all the reasons provided in Plaintiffs response to the Defendants
4 motion to dismiss why jurisdiction is proper in this court and why the FTCA
5 is moot. Dkt 38

6 B. Federal Rules of Civil Procedure Rule 56 (b) Time to file a motion unless a
7 different time is set by local rule or the court orders otherwise, a party may
8 file a motion for summary judgment at any time until after 30 days after the
9 close of all discovery.

10 **II. What genuine issue of material fact is present is not clear from the**
11 **defendant's motion other than jurisdiction.**

12 A. Plaintiffs established in the Complaint "C" Exhibit N dkt 3.14 the existence of
13 a confidentiality agreement and an agreement to mediate. The document is
14 initialed on pages 1-3 and signed on page 3 by the Defendants James Rigney
15 and Ronald Kraszewski.

16 I. Does the Defendant challenge the validity of this document, these
17 signatures?

18 II. Surely the Defendants do not Challenge the Sovereign Immunity they
19 have plead for. Defendants have plead their right to absolute and
20 qualified sovereign immunity. See motions to dismiss dkt 16 & 28.

21 III. Defendant Wanda Johnson argued that immunity could only be
22 abrogated by Congress or waived by the State. See Motion to Dismiss,
23 plea of sovereign immunity and memorandum in support page 5 dkt
24 16.

25 B. Plaintiffs established with Exhibit O dkt 3.15 an expressed desire to ensure all
26 parties to the agreement were entering the agreement on equal footing.

1 C. Plaintiffs Pro-Se did not proscribe to the idea or understand that a motion
2 would necessitate providing the court with evidence of the required elements
3 of a contract nor are we certain just what the appropriate civil procedure for
4 such would be. We argue it is common knowledge among legal scholars that
5 the 6 requirements of a valid contract are: Agreement, Consideration,
6 Contractual Capacity, Legality, Voluntary Consent, and Form. If one or more
7 of these necessary elements are missing, the contract is void or voidable.

8 **III.** Baring evidence, Plaintiffs could not find, there is no evidence of a
9 Congressional action or wavier for the defendants in signing of these
10 agreements and the Defense has argued they have Immunity.

11 **IV.** Fraudulent inducement aside, the only consideration plaintiffs receive from the
12 signed agreement is assurance the defendants could be legally held to the
13 agreement. However, with a plea of sovereign immunity this is simply a
14 fallacy. i.e. No Consideration.

15 **V.** Provided, as pleaded by the defendants sovereign immunity is only revocable
16 by congressional act or wavier then defendants lack contractual capacity to
17 enter into the agreements.

18 **VI.** A lack of consideration given and a lack of contractual capacity to enter these
19 agreements make the agreements void or voidable.

20 **VII.** Plaintiffs allege the RICO enterprise is well aware of the individuals sovereign
21 immunity, utilizes this knowledge in providing these agreements as a means to
22 use information gained in mediation to augment the enterprises efforts of
23 mitigating legal risk, effectively providing financial gain for the enterprise by
24 reducing legal loss of the people, by the people, for the enterprise.

1 Plaintiffs respectfully note we live in a remote rural location and access to legal information is
2 limited to searches of the Internet and the local library, which has no law library. We
3 attempted prior to filing of the motion to find any legal precedent for challenging these
4 agreements but found none.

5
6 **Conclusion**

7 **For the foregoing reasons, Plaintiffs respectfully request that this Court Void the**
8 **Agreements.**

9
10 Respectfully Submitted,

11 Christopher B. and Renee G. Julian Pro-Se

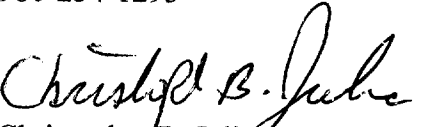
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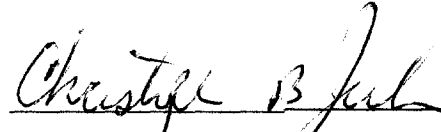
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20 Christopher B. Julian

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22 Renee G. Julian

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I hereby certify that on February 4 2014, a true and correct copy of the foregoing instrument has been forwarded by first certified mail to counsel of record.


Christopher B. Julian Pro-Se


Renee G. Julian Pro-Se
